

REMARKS

Initially, applicants would like to thank Examiner Timory for granting an interview and for his time spent during the interview. Applicants would also like to thank Supervisory Examiner Liu for participating in the interview and for his input during the interview.

Formal Matters

As pointed out at the interview, MPEP 608.01 states that Examiners should not object to the specification and/or claims in patent applications merely because applicants are using British English spellings (e.g., colour) rather than American English spellings. It is not necessary to replace the British English spellings with the equivalent American English spellings in the U.S. patent applications. Note that 37 CFR 1.52(b)(1)(ii) only requires the application to be in the English language. There is no additional requirement that the English must be American English.

In the present case, the British spelling of "programme" as it appears in the specification and claims is believed acceptable and withdrawal of the specification objection and claim objection as to this term is respectfully requested.

Claims 37-81 were previously pending in the application. Claims 51, 66 and 69 are canceled and new claims

82-92 are added. Therefore, claims 37-50, 52-65, 67, 68 and 70-92 are presented for consideration.

As noted above the objection to the claims for the spelling of "programme" should be withdrawn. As to the objections to claims 52 and 67, "which server" is amended to "said server" to address these objections. The spelling of "broadcasting" in claim 57 and in all other claims appears correct. Accordingly, the claim objections are believed addressed and withdrawal of the objection is respectfully requested.

Claims 51, 66, 69 and 70 are amended as discussed at the interview to remove the term "in advance" to address the 35 USC 112, 2nd paragraph rejection. Accordingly withdrawal of the rejection is respectfully requested.

Substantive Matters

Claims 37-43, 49, 51-58, 64, 66-81 were rejected under 35 USC 102(e) as allegedly being anticipated by NOREEN et al. U.S. Pub. No. 2002/0183059. That rejection is respectfully traversed.

Claims 37, 52 and 67 are amended to include the features of claims 51, 66 and 69, respectfully, and recite that the transmission of the broadcast programme-associated data is synchronized with the broadcasting of the programme in such a manner that the broadcast programme-associated data is transmitted to the subscriber terminal so that the subscriber

terminal receives the broadcast programme-associated data, but does not use the broadcast programme-associated data until after a permission to do so has been obtained.

As pointed out at the interview, support for this limitation can be found at least on page 17, paragraph [0050] of the application as filed.

As further pointed out at the interview, NOREEN does not disclose such a limitation.

Rather, NOREEN discusses that clock synchronization between a mobile unit and a network is necessary because the time and date are provided as part of a broadcast attribute signal. If the clocks of the mobile unit and the network are not synchronized, the program segment broadcast identification will fail.

The use of the term "subsequent" in NOREEN refers to the fact that when using the date and time as part of the broadcast attribute signal, the broadcast attribute signal may be transmitted subsequent to the receipt of the program segment by the mobile unit. If the date and time are not transmitted as part of the broadcast attribute signal, the broadcast attribute signal has to be transmitted substantially immediately (after the reception of the program by the mobile unit).

The mobile unit of NOREEN neither waits to use the broadcast programme-associated data nor receives permission to use the broadcast programme-associated data.

Accordingly, claims 37, 52 and 67 are believed to define over NOREEN. Independent claim 70 includes a similar limitation and is also believed to define over NOREEN. The dependent claims are believed patentable at least for depending from an allowable independent claim.

Claims 44-47, 50, 59-62 and 65 were rejected under 35 USC 103(a) as allegedly being unpatentable over NOREEN et al. in view of TATSUJI et al. U.S. Pub. No. 2002/0151271. That rejection is respectfully traversed.

Initially, Applicants note that TATSUJI is incorrectly listed on page 18 of the Official Action and was not included on the PTO-892. Applicants respectfully request that a corrected PTO-892 that includes TATSUJI be made of record and that a copy is sent to Applicants.

In any event, TATSUJI is only cited with respect to features of the dependent claims. TATSUJI does not disclose that the transmission of the broadcast programme-associated data is synchronized with the broadcasting of the programme in such a manner that the broadcast programme-associated data is transmitted to the subscriber terminal so that the subscriber terminal receives the broadcast programme-associated data, but does not use the broadcast programme-associated data until after a permission to do so has been obtained as recited in the independent claims.

As set forth above, NOREEN does not disclose this feature.

This feature is missing from each of the references, is absent from the combination, and thus, would not have been obvious to one having ordinary skill in the art.

Claims 48 and 63 were rejected under 35 USC 103(a) as allegedly being unpatentable over NOREEN et al. in view of TATSUJI et al. and further in view of NEWELL et al.

Initially, Applicants note that NEWELL was also not included on the PTO-892. Applicants respectfully request that a corrected PTO-892 that includes NEWELL be made of record and that a copy is sent to Applicants.

In any event, NEWELL is only cited with respect to features of dependent claims 48 and 63. NEWELL does not disclose that the transmission of the broadcast programme-associated data is synchronized with the broadcasting of the programme in such a manner that the broadcast programme-associated data is transmitted to the subscriber terminal so that the subscriber terminal receives the broadcast programme-associated data, but does not use the broadcast programme-associated data until after a permission to do so has been obtained as recited in independent claims 37 and 52.

As set forth above, NOREEN in view of TATSUJI do not disclose this feature.

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This feature is missing from each of the references, is absent from the combination, and thus, would not have been obvious to one having ordinary skill in the art.

New claim 82 is directed to a computer readable program as disclosed on page 9, paragraph [0025] to page 10, paragraph [0027]. Claim 82 includes the limitation that the reception of the broadcast programme-associated data is synchronized with the reception of the programme in such a manner that the subscriber terminal receives the broadcast programme-associated data, but does not use the broadcast programme-associated data until after said permission to do so has been obtained. Thus, claim 82 is also believed to define over the art of record.

New claims 83-92 depend from one of claims 37, 52, 67, 70 or 82 and further define the invention and are believed to define over the art at least for depending from an allowable independent claim. Support for claims 83-92 can be found at least on page 17, paragraph [0050].

In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

Please charge the fee of \$300 for the extra independent claim and the eight (8) extra dependent claims added herewith, to Deposit Account No. 25-0120.

This feature is missing from each of the references, is absent from the combination, and thus, would not have been obvious to one having ordinary skill in the art.

New claim 82 is directed to a computer readable program as disclosed on page 9, paragraph [0025] to page 10, paragraph [0027]. Claim 82 includes the limitation that the reception of the broadcast programme-associated data is synchronized with the reception of the programme in such a manner that the subscriber terminal receives the broadcast programme-associated data, but does not use the broadcast programme-associated data until after said permission to do so has been obtained. Thus, claim 82 is also believed to define over the art of record.

New claims 83-92 depend from one of claims 37, 52, 67, 70 or 82 and further define the invention and are believed to define over the art at least for depending from an allowable independent claim. Support for claims 83-92 can be found at least on page 17, paragraph [0050].

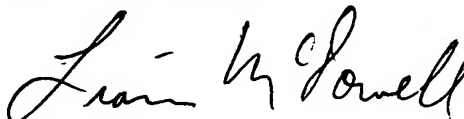
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The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

A handwritten signature in cursive script, reading "Liam McDowell".

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